IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.7797 of 2007
Date of Decision: 22.5.2007

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Bikkar Singh Vs. The Tribunal Wakf Act,Ludhiana and another

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Present : Mr.Liaqat Ali, Advocate for the petitioner.

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

Challenge in this petition is to an order dated 1.3.2007 passed by the Wakf Tribunal, Ludhiana.

The Punjab Wakf Board, filed a suit for possession by way of ejectment of the petitioner from land measuring 14 Kanals 5 Marlas. In response to the suit, the petitioner pleaded that he was a tenant of the Wakf Board since the year 1972-73. The land was leased out to him for a period of 99 years but no Kabuliatnama was executed. It is further contended that the petitioner was paying rent to the Board and,therefore, the suit for ejectment by way of possession was not maintainable.

We have heard learned counsel for the petitioner and perused the paper book.

The petitioner has been in possession of the land in dispute since the year 1972-73. His assertion that the land was leased out to him for 99 years was found to be incorrect. No document, whether in the shape of a lease or a license exists to evidence of the aforementioned assertion. In fact, the land was leased out for a single year namely; 1972-73. Thereafter, by adopting various devices, the petitioner perpetuated his illegal possession for more than three decades. We find no error of jurisdiction or of law in the order passed by the Tribunal. The petitioner is an unauthorized occupant, whose ejectment has been rightly ordered. No merit. Dismissed.

(RAJIVE BHALLA)
JUDGE

22.5.2007 (P. SATHASIVAM)
GS JUDGE